

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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<b>UNITED STATES OF AMERICA,</b>	)	<b>Criminal No.: 09-CR-10330-GAO</b>
	)	
	)	
<b>v.</b>	)	
	)	
<b>(1) STRYKER BIOTECH, LLC,</b>	)	
<b>(2) MARK PHILIP,</b>	)	
<b>(3) WILLIAM HEPPNER,</b>	)	
<b>(4) DAVID ARD and</b>	)	
<b>(5) JEFFREY WHITAKER,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**GOVERNMENT'S REQUESTED VOIR DIRE QUESTIONS**

The United States of America respectfully requests that the Court ask prospective trial jurors in the above-captioned case the following questions:

1. This case was investigated by the Federal Bureau of Investigation, United States Health and Human Services – Office of the Inspector General, and United States Food and Drug Administration – Office of Criminal Investigations. Is there anything about your attitude towards those government agencies, or any other law enforcement agency, which would prevent you from rendering a fair and impartial verdict?
2. Do any among you have any mental reservations or positive opinions regarding the United States Food and Drug Administration (known as the FDA) which would affect your judgment, so as to prevent you from rendering a fair and impartial verdict?
3. Do any among you have any mental reservations or positive opinions regarding the manner in which the FDA reviews pharmaceutical products and medical devices for

approval which would affect your judgment, so as to prevent you from rendering a fair and impartial verdict?

4. Do any among you have any mental reservations or positive opinions regarding the United States health care system which would affect your judgment so as to prevent you from rendering a fair and impartial verdict?
5. Do any among you have any mental reservations or positive opinions regarding the health care profession, including surgeons, which would affect your judgment so as to prevent you from rendering a fair and impartial verdict?
6. Are you or any member of your immediate family working in the medical field? Will that affect your ability to render a fair and impartial verdict in a case involving allegations of medical billing fraud?
7. Have any among you had experience personally or through a family member with invasive or implantable medical devices, so as to prevent you from rendering a fair and impartial verdict?
8. Have any among you (or a family member) had experience with spinal or other bone fusion surgery so as prevent you from rendering a fair and impartial verdict?
9. Have any among you (or a family member) had a dispute with a doctor, nurse, or other healthcare provider so as to prevent you from rendering a fair and impartial verdict?
10. Do any among you have experience with sales jobs with quotas so as to prevent you from rendering a fair and impartial verdict?

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

December 12, 2011

By: /s/Jeremy M. Sternberg  
Jeremy M. Sternberg  
Susan G. Winkler  
Gregory F. Noonan  
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Jeremy M. Sternberg  
Assistant U.S. Attorney